No. 15-5040

IN THE

Supreme Court of the United States

TERRANCE WILLIAMS,

Petitioner,

v.

PENNSYLVANIA,

Respondent.

On Writ of Certiorari to the Supreme Court of Pennsylvania

BRIEF OF FORMER APPELLATE COURT JURISTS AS *AMICI CURIAE* IN SUPPORT OF PETITIONER

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TABLE OF CONTENTS

	Page
TABLE OF AUTHORITIES	iii
INTEREST OF *AMICI CURIAE*	1
SUMMARY OF ARGUMENT	1
ARGUMENT	3
I. CHIEF JUSTICE CASTILLE'S PARTICIPATION IN THE PROCEEDING PRESENTED AN UNCONSTITUTIONAL POTENTIAL FOR BIAS	3
A. Factual Background	3
B. Standard For Determining Whether Recusal Is Required	4
C. Recusal Was Required Under The Circumstances	5
II. THE PARTICIPATION OF A POTENTIALLY BIASED TRIBUNAL MEMBER TAINTS THE ENTIRE TRIBUNAL	7
A. A Majority Of Courts Have Held That A Potentially Biased Tribunal Member Taints The Entire Tribunal	7
B. Appellate Decision-making Is A Collaborative Process And Every Judge Who Participates Affects The Process	10
C. The Number Of Votes A Decision Receives Says Little About The Circumstances That Generated Such A Result	13
D. All U.S. Judicial Proceedings Should Unanimously Comprise Impartial	

TABLE OF CONTENTS—continued

Page

Jurists, And Jurists Who Appear To Be Impartial 15

CONCLUSION 16

TABLE OF AUTHORITIES

CASES Page

Aetna Life Ins. Co. v. *Lavoie*, 475 U.S. 813 (1986) 5, 7, 8, 9, 15
Am. Cyanamid Co. v. *FTC*, 363 F.2d 757 (6th Cir. 1966) 9
Antoniu v. *SEC*, 877 F.2d 721 (8th Cir. 1989) 9
Berkshire Emps. Ass'n of Berkshire Knitting Mills v. *NLRB*, 121 F.2d 235 (3d Cir. 1941) 9
Bradshaw v. *McCotter*, 796 F.2d 100 (5th Cir. 1986) 9
Caperton v. *A.T. Massey Coal Co.*, 556 U.S. 868 (2009) 5
Cinderella Career & Finishing Schs. Inc. v. *FTC*, 425 F.2d 583 (D.C. Cir. 1970) 9
Commonwealth v. *Williams*, No. 668 CAP (Pa. Dec. 15, 2014) 6
Commonwealth v. *Williams*, No. CP-51-CR-0823621-1984 (Phila. Ct. Com. Pls. Nov. 27, 2012) 4
Goodheart v. *Casey*, 565 A.2d 757 (Pa. 1989) 9
Hicks v. *City of Watonga*, 942 F.2d 737 (10th Cir. 1991) 9
In Re Murchison, 349 U.S. 133 (1955) 5
Nationwide Mut. Ins. Co. v. *Clay*, 525 So. 2d 1339 (Ala. 1987) 9
Nguyen v. *United States*, 539 U.S. 69 (2003) 15
Powell v. *Anderson*, 660 N.W 2d 107 (Minn. 2003) 9
Richardson v. *Quarterman*, 537 F.3d 466 (5th Cir. 2008) 9

TABLE OF AUTHORITIES—continued

Page

Rollins v. *Horn*, No. Civ. A. 00-1288, 2005 U.S. Dist. LEXIS 15493 (E.D. Pa. July 26, 2005) 9

Stivers v. *Pierce*, 71 F.3d 732 (9th Cir. 1995) 9

Sullivan v. *Elsmere*, 23 A.3d 128 (Del. 2011) 9

Tesco Am. Inc. v. *Strong Indus. Inc.*, 221 S.W.3d 550 (Tex. 2006) 9

OTHER AUTHORITIES

Lisa Brennan, *State Voters Must Choose Next Supreme Court Member*, Legal Intelligencer, Oct. 28, 1993 4

Benjamin N. Cardozo, *The Nature of the Judicial Process* 177 (1922 ed.) 11, 13

Norbert L. Kerr et al., *Bias in Judgment: Comparing Individuals and Groups*, 103 Psychol. Rev. 687 (1996) 12

Pauline T. Kim, *Deliberation and Strategy on the United States Court of Appeals: An Empirical Exploration of Panel Effects*, 157 U. Penn. L. Rev. 1319 (2009) 12

Scott R. Meinke and Kevin M. Scott, *Collegial Influence and Judicial Voting Change: The Effect of Membership Change on U.S. Supreme Court Justices*, 41 L. & Soc. Rev. 4 (2007) 10

Sidney A. Shapiro and Richard Murphy, *Politicized Judicial Review in Administrative Law: Three Improbable Responses*, 19 Geo. Mason L. Rev. 319 (2012) 10, 11, 13, 14

TABLE OF AUTHORITIES—continued

Page

Cass R. Sunstein, *Group Judgments: Statistical Means, Deliberation, and Information Markets*, N.Y.U. L. Rev. 962 (2005) 12

Cass R. Sunstein, David Schkade & Lisa Michelle Ellman, *Ideological Voting on Federal Courts of Appeals: A Preliminary Investigation*, 90 Va. L. Rev. 301 (2004) 10, 11, 14

INTEREST OF THE *AMICI CURIAE*[1]

Amici, who are eight former appellate court judges indentified in the Appendix, have an interest in this case because it implicates the fundamental integrity, effective operation, and public perception of the judicial system.

Amici served in a range of leadership positions while on the bench and during their post-judicial careers, and have significant experience in judicial administration. They offer their views regarding the appellate process and judicial standards of conduct in order to assist this Court in resolving the critical issues before it in this case.

SUMMARY OF ARGUMENT

A judge's role as an impartial arbiter is sacrosanct. The moment a judge learns that he or she may be biased toward or against a litigant, or that the judge's continued participation in a proceeding will give rise to even the potential appearance of bias, he or she should recuse. In many cases, the potential for bias or its appearance can be difficult to ascertain. This case is not one of them.

Here, former Chief Justice Castille (i) personally authorized petitioner's death sentence while serving as the District Attorney of Philadelphia, (ii) campaigned for his seat on the Supreme Court of Pennsylvania by championing his record of sending "45

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[1] Pursuant to Rule 37.6, *amici* affirm that no counsel for a party authored this brief in whole or in part and that no person other than *amici* or their counsel made a monetary contribution to its preparation or submission. Counsel of record for both parties received notice of *amici's* intention to file this brief at least 10 days prior to its due date. The parties' letters consenting to the filing of this brief have been filed with the Clerk's office.

people to death row,", including the petitioner, (iii) publicly expressed disdain toward petitioner's counsel and their "anti-death penalty agenda," and (iv) refused to recuse himself from a review of a post-conviction court decision holding that petitioner was entitled to a new sentencing hearing due to misconduct committed by a prosecutor who was under his supervision as District Attorney.

Certainly, these facts, and most particularly, Chief Justice Castille's participation in petitioner's case at an earlier phase, creates an unmistakable perception that petitioner (and others similarly situated) would not receive a fair hearing on their appellate claims. If the *amici*, while serving as appellate court judges, had encountered the situation that Chief Justice Castille confronted in this case, each of them would have recused himself or herself from the proceeding forthwith. Due process requires nothing less.

Amici firmly believe that prejudice can result from the participation of a potentially biased member of an appellate tribunal regardless of the ultimate vote. Thus, even though the Pennsylvania Supreme Court's decision was unanimous, and Chief Justice Castille did not cast the so-called "deciding vote," that does not end the analysis. Indeed, the majority of federal and state courts that have considered this issue have found that a potentially biased judge's participation in a multimember appellate panel taints the entire proceeding and that any decision in the proceeding must be vacated, regardless of the ultimate vote distribution. A minority of courts hold otherwise, concluding that this Court's decision in *Aetna Life Ins. Co.* v. *Lavoie*, 475 U.S. 813 (1986), only requires vacature where the biased judge casts the decisive vote.

The minority view ignores a truth supported by a substantial body of empirical data, testimonials of former United States Supreme Court Justices, the experience of *amici*, and common sense – that judges serving in multimember tribunals work together closely and are highly influenced by the opinions of their fellow jurists. In fact, the appellate system was deliberately structured with multimember panels because a decision reached collaboratively is typically better than one reached in the absence of collaboration. Appellate judges are supposed to influence one another, and a judge who vigorously argues his or her position often affects the disposition of the case. Permitting the presence of bias in such a collaborative process not only undermines the proceeding in question, but the public's confidence in the judicial system.

Amici encourage the Court to adopt the unexceptionable proposition that all tribunals should unanimously comprise only impartial jurists, and jurists whose participation would be deemed impartial by those who come before the courts. Due process, fairness, and the reputation of the vaunted judicial system require nothing less.

ARGUMENT

I. CHIEF JUSTICE CASTILLE'S PARTICIPATION IN THE PROCEEDING PRESENTED AN UNCONSTITUTIONAL POTENTIAL FOR BIAS.

A. Factual Background.

In this case, Chief Justice Castille personally authorized petitioner's death sentence while serving as District Attorney of Philadelphia and supervised petitioner's prosecutor, who a post-sentencing court found had engaged in "gamesmanship" and "[i]ntentionally

root[ed] evidence out of the [petitioner's] prosecution in order to secure a first degree murder conviction and death penalty sentence " *Commonwealth* v. *Williams*, No. CP-51-CR-0823621-1984 (Phila. Ct. Com. Pls. Nov. 27, 2012) (9 n.23).

While campaigning for his seat on the Supreme Court of Pennsylvania, Chief Justice Castille championed his record of placing petitioner and 44 other individuals on death row and telegraphed to voters that he supported the death penalty. For example, one news article at the time noted that "Castille says if [judicial] candidates take positions then they'll have to recuse themselves from any decisions in those cases." Lisa Brennan, *State Voters Must Choose Next Supreme Court Member*, Legal Intelligencer, Oct. 28, 1993. The article then quotes Chief Justice Castille as stating that:

> There's really no solution to it You ask people to vote for you, they want to know where you stand on the death penalty. I can certainly say I sent 45 people to death row as District Attorney of Philadelphia. They sort of get the hint.

Id. As a result of Chief Justice Castille's direct participation in this case as a prosecutor and his prior statements while on the campaign trail, petitioner requested that Chief Justice Castille recuse himself from the proceeding, or at least allow the Pennsylvania Supreme Court to consider the question *en banc*. Chief Justice Castille denied the request in its entirety without explanation the same day he received it.

B. Standard For Determining Whether Recusal Is Required.

The standard for determining whether a judge's refusal to recuse himself or herself violates due process is whether the circumstances of the case "'would offer

a possible temptation to the average judge to lead him not to hold the balance nice, clear and true.'" *Aetna Life Ins. Co.*, 475 U.S. 813, 822 (1986) (quoting *Ward* v. *Village of Monroeville*, 409 U.S. 57, 60 (1972)). The question is not whether the judge is actually, subjectively biased—though that is of course sufficient—but whether "the average judge in his position is 'likely' to be neutral, or whether there is an unconstitutional 'potential for bias.'" *Caperton* v. *A.T. Massey Coal Co.*, 556 U.S. 868, 881 (2009) (quoting *Mayberry* v. *Pennsylvania*, 400 U.S. 455, 466 (1971)). This objective determination involves "'a realistic appraisal of psychological tendencies and human weakness,' [and whether] the interest 'poses such a risk of actual bias or prejudgment that the practice must be forbidden if the guarantee of due process is to be adequately implemented.'" *Id.* at 883-84 (quoting *Withrow* v. *Larkin*, 421 U.S. 35, 47 (1975)). Any potential for bias is unacceptable because in every judicial proceeding there must not be "even the probability of unfairness." *In re Murchison*, 349 U.S. 133, 136 (1955).

C. Recusal Was Required Under The Circumstances.

A focus of the Pennsylvania Supreme Court's review of the post-conviction court's decision was whether the alleged misconduct by the prosecutor resulted in the suppression of exculpatory evidence and whether this had a material effect on the petitioner's sentencing. Regardless of the merits of the claim, its substance addresses the conduct of prosecutors who were, at the time, under Chief Justice Castille's direction. The direct, personal nature of the conflict is illustrated by examining the consequences of a different decision by the Pennsylvania Supreme Court. If, for example, the Pennsylvania Supreme Court had

concluded that a prosecutor in that office had engaged in misconduct, a broader inquiry into whether such conduct was systemic and whether Chief Justice Castille condoned or encouraged such behavior at the time may have been warranted, as well as possible bar proceedings against those involved.

Chief Justice Castille's strong statements in concurrence further call into question his impartiality and the degree of influence that his passionately held views may have had on his colleagues. In his concurrence, Chief Justice Castille attacked petitioner's counsel, the Federal Community Defender Office ("FCDO"), declaring that:

> [T]his 'private' group of federal lawyers pursuing an obstructionist anti-death penalty agenda have essentially anointed themselves as statewide, *de facto* capital defender's office
>
> [I]t has become apparent that [Post Conviction Relief Act] courts throughout Pennsylvania need to be vigilant and circumspect when it comes to the activities of this particular advocacy group, to ensure that the FCDO does not turn PCRA proceedings, and in particular serial proceedings, into a circus where FCDO lawyers are the ringmasters, with their parrots and puppets as a sideshow.

Commonwealth v. *Williams*, No. 668 CAP (Pa. Dec. 15, 2014) (4-5). In this very case, however, the post-conviction court had found that Chief Justice Castille's office had engaged in "gamesmanship" in order to secure a death sentence. But even if the attack in his concurring opinion were warranted, Chief Justice Castille left his impartiality, and thus the integrity of the decision, open to serious question by deliberating on a case where the FCDO has made a

claim of misconduct against his former colleagues, and by extension, him.

Chief Justice Castille's mere presence in the case also undoubtedly tainted the other Justices involved, who in addition to likely hearing his views about the case and the underlying facts, were in the unenviable position of examining, in his presence, whether the conduct of a prosecutor under his command resulted in a miscarriage of justice.

II. THE PARTICIPATION OF A POTENTIALLY BIASED TRIBUNAL MEMBER TAINTS THE ENTIRE TRIBUNAL.

A. A Majority Of Courts Have Held That A Potentially Biased Tribunal Member Taints The Entire Tribunal.

In *Aetna Life Insurance Co.* v. *Lavoie*, the Court determined that because a Justice on the Alabama Supreme Court had a "direct, personal, substantial [and] pecuniary" interest in the case before him, his participation in the case violated the appellant's due process rights. With regard to the remedy for this violation, the Court noted that lower courts were divided as to when a disqualified judge's participation in a decision by a multimember tribunal required the decision to be vacated. Some courts had decided that if the disqualified judge had not cast the deciding vote, his or her vote was "mere surplusage" and the decision could stand. 475 U.S. at 826-27 (citing *State ex rel. Langer* v. *Kositzky*, 38 N.D. 616, 166 N.W 534 (1918)). Other courts, however, appeared to suggest otherwise. *Id.* (citing *Oakley* v. *Aspinwall*, 3 N.Y. 547 (1850)).

The Court refrained from resolving this split in authority and instead focused on the fact that the disqualified Alabama Supreme Court Justice cast the deciding vote in the Alabama Supreme Court's 5-to-4 decision and that there was no legal authority allowing a decision to stand under such circumstances. Because the disqualified Alabama Supreme Court Justice had cast the deciding vote and also because he drafted the Alabama Supreme Court's opinion, the Court held that he had a "leading role" in the decision and thus the "appearance of justice" was best served by vacating the decision and remanding for further proceedings.

Although the opinion of the Court left unanswered the question of whether the outcome would have been the same had the Alabama Supreme Court Justice's vote not been decisive, Justices Brennan and Blackmun each wrote concurrences pointing out that it should. Specifically, Justice Brennan emphasized the collective and deliberative nature of the appellate decision-making process and that:

> [E]xperience teaches us that each member's involvement plays a part in shaping the court's ultimate disposition. The participation of a judge who has a substantial interest in the outcome of a case of which he knows at the time he participates *necessarily* imports a bias into the deliberative process. This deprives litigants of the assurance of impartiality that is the fundamental requirement of due process.

Id. at 831 (emphasis in original). Justice Blackmun (joined by Justice Marshall) repeated these observations and further noted that:

> [W]e know, from our own experience on this nine-Member Court, that a forceful dissent may lead Justices to rethink their original positions and change their votes. And to suggest that the author of an opinion where the final vote is 5 to 4 somehow plays a peculiarly decisive 'leading role' ignores the possibility of a case where the author's powers of persuasion produce an even larger margin of votes.

Id. at 832. Justice Brennan's and Justice Blackmun's common-sense position now reflects the majority rule in federal and state courts nationwide.[2]

Amici urge the Court to hold that a biased tribunal member taints the entire tribunal in which he or she participates, and that due process protections mandate that any decision rendered in such a proceeding be vacated. Such a ruling is not only justified by the clear and convincing arguments set forth by Justices Brennan and Blackmun in *Aetna* thirty years ago, but also by an extensive body of empirical research

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[2] *See Stivers* v. *Pierce*, 71 F.3d 732, 747 (9th Cir. 1995); *Hicks* v. *City of Watonga*, 942 F.2d 737, 748-50 (10th Cir. 1991); *Antoniu* v. *SEC*, 877 F.2d 721, 725-26 (8th Cir. 1989); *Cinderella Career & Finishing Schs., Inc.* v. *FTC*, 425 F.2d 583, 592 (D.C. Cir. 1970); *Am. Cyanamid Co.* v. *FTC*, 363 F.2d 757, 767 (6th Cir. 1966); *Berkshire Emps. Ass'n of Berkshire Knitting Mills* v. *NLRB*, 121 F.2d 235, 239 (3d Cir. 1941); *Sullivan* v. *Elsmere*, 23 A.3d 128, 136 (Del. 2011); *Tesco Am. Inc.* v. *Strong Indus. Inc.*, 221 S.W.3d 550, 556 (Tex. 2006); *Powell* v. *Anderson*, 660 N.W.2d 107, 122-24 (Minn. 2003); *Nationwide Mut. Ins. Co.* v. *Clay*, 525 So. 2d 1339, 1340-41 (Ala. 1987); *but see Richardson* v. *Quarterman*, 537 F.3d 466, 474 (5th Cir. 2008); *Bradshaw* v. *McCotter*, 796 F.2d 100, 4-6 (5th Cir. 1986); *Rollins* v. *Horn*, No. Civ.A.00-1288, 2005 U.S. Dist. LEXIS 15493, * at 143-45 (E.D. Penn. July 26, 2005); *Goodheart* v. *Casey*, 565 A.2d 757, 195-97 (Pa. 1989).

that in recent years has confirmed that appellate judges, in rendering their decisions, are highly influenced by their fellow appellate judges, and thus an appellate judge's role in a case can never be deemed "mere surplusage"

B. Appellate Decision-making Is A Collaborative Process And Every Judge Who Participates Affects The Process.

Numerous studies have demonstrated that a single member of an appellate panel can meaningfully influence the outcome of a proceeding even though the other panel members may have diametrically opposing ideologies and have the ability to simply out-vote the single panel member. See, *e.g.*, Cass R. Sunstein, David Schkade & Lisa Michelle Ellman, *Ideological Voting on Federal Courts of Appeals: A Preliminary Investigation*, 90 Va. L. Rev. 301, 306 (2004); Sidney A. Shapiro and Richard Murphy, *Politicized Judicial Review in Administrative Law: Three Improbable Responses*, 19 Geo. Mason L. Rev. 319, 335 (2012).

Because the deliberations between appellate judges are conducted behind closed doors, these studies use various proxies to determine the likely original positions of the relevant tribunal members and whether the influence of their fellow tribunal members caused them to move off of such positions.

One such proxy involves a comparison of a particular appellate judge's decisions on an issue against that judge's decisions when the composition of his or her appellate court changes. See, *e.g.*, Scott R. Meinke and Kevin M. Scott, *Collegial Influence and Judicial Voting Change: The Effect of Membership Change on U.S. Supreme Court Justices*, 41 L. & Soc. Rev. 4 (2007). Another popular proxy is to compare the decisions of panels based on whether a minority,

majority, or the entire panel of judges were appointed by presidents of the same political party.[3] Although these methods have clear drawbacks, they unequivocally demonstrate that the composition of a court matters and that each member affects the outcome. Such a conclusion should not be surprising. The appellate system was deliberately structured to be collaborative because a decision reached collaboratively is typically better than one reached in its absence. As Justice Cardozo noted:

> The eccentricities of judges balance one another. One judge looks at problems from the point of view of history, another from that of philosophy, another from that of social utility, one is a formalist, another a latitudinarian, one is timorous of change, another dissatisfied with the present; out of the attrition of diverse minds there is beaten something which has a constancy and uniformity and average value greater than its component elements.

Benjamin N. Cardozo, *The Nature of the Judicial Process* 177 (1922 ed.).

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[3] *See* Sunstein, *supra*, at 306 (Stating, in the context of an analysis of federal appellate judge voting behavior based on the political party of the president that appointed each judge, that "[t]o understand the importance of group dynamics on judicial panels, it is important to emphasize that a Democratic majority, or Republican majority, has enough votes to do what it wishes. Apparently a large disciplining effect comes from the presence of a single panelist from another party."); *see also* Shapiro, *supra*, at 335 ("[W]hen appellate panels are split 2-1 along partisan lines, both Republican and Democratic judges vote less ideologically than they do when a panel is made up entirely of Republican or Democratic judges. While strategic reasons might give rise to this effect, the craft model points to deliberation among the judges as an explanation. The idea here is that the third judge persuades the other two judges by the exchange of information and the persuasiveness of reasoned argument.").

Many studies have indicated that a decision made by a group is often better than a decision made by a single individual. See Cass R. Sunstein, *Group Judgments: Statistical Means, Deliberation, and Information Markets*, N.Y.U. L. Rev. 962, 971-73 (2005) (surveying a range of experiments measuring the accuracy of group decision-making).

This is often explained with reference to the Condorcet Jury Theorem, which holds that in circumstances where each person has a better than 50% chance of gauging a correct answer, the probability of a correct answer increases as the size of the group increases. *Id.* at 973. Commentators reviewing statistical data have indicated that this applies equally in the judicial context and have suggested that "increasing the number of judges making a decision will increase the probability that a court will reach a correct decision." Pauline T. Kim, *Deliberation and Strategy on the United States Court of Appeals: An Empirical Exploration of Panel Effects*, 157 U. Penn. L. Rev. 1319, 1321 (2009) (citing Lewis A. Kornhauser and Lawrence G. Sager, *Unpacking the Court*, 96 Yale L.J. 82, 98 (1986)).

Although group decision-making generally appears to be superior to individual decision-making, it is no bulwark against bias, and empirical evidence suggests that groups are as susceptible to bias as individuals. See *Sunstein*, *supra*, at 795 (citing Gretchen Chapman and Eric Johnson, *Incorporating the Irrelevant: Anchors in Judgments of Belief and Value*, Heuristics & Biases: The Psychology of Intuitive Judgment 120 (2002)); Norbert L. Kerr et al., *Bias in Judgment: Comparing Individuals and Groups*, 103 Psychol. Rev. 687 (1996).

Whether this holds true in the context of multimember tribunals has received little scholarly attention, but the dynamics of appellate decision-making suggest that the presence of bias can be a decisive factor in many cases. For example, during deliberations, an appellate judge who forcefully argues his or her position often signals to his or her colleagues that the issue is important and merits particular consideration. A forceful, yet unsound argument is not likely to carry the day. However, as Justice Cardozo once noted, various cases "might be decided either way" and "that reasons plausible and fairly persuasive might be found for one conclusion as for another." Benjamin N. Cardozo, *The Nature of the Judicial Process*. If a decision can balance precariously atop a fulcrum, it is not a stretch to think that bias can cause it to topple toward a particular direction.

C. The Number Of Votes A Decision Receives Says Little About The Circumstances That Generated Such A Result.

An understanding of the dynamics of appellate decision-making also exposes the great fallacy in the minority rule that requires a disqualified judge to have cast the "deciding vote" in order for the relevant decision to be vacated. For example, the great majority of appellate decisions are unanimous – with estimates of unanimity hovering around 85% for published decisions issued by the Federal Circuit Courts. See Sidney A. Shapiro and Richard Murphy, *Politicized Judicial Review in Administrative Law: Three Improbable Responses*. This is mostly because opinions are drafted based on the input of each tribunal member and there is typically an effort to build consensus and for the court to speak with one voice. However, commentators also observe that appellate

judges occasionally join a majority ruling because of "dissent aversion." *Id.* at 330.

According to these commentators, appellate judges may be concerned that a dissent will make the court less collegial or feel that a dissent is likely to be futile because it will "not persuade either of the majority's judges to switch his vote." See Cass R. Sustein, David Schkade & Lisa Michelle Ellman, *Ideological Voting on Federal Courts of Appeals: A Preliminary Investigation*. These commentators note that "a dissent might, in extreme cases, attract the attention of the Supreme Court or lead to a rehearing en banc; and when judges dissent it is partly in the hope that such an outcome will occur," but that "Supreme Court review is rare and courts of appeals do not regularly rehear cases en banc." *Id.* Accordingly, with regard to decision-making on an appellate panel, once the pendulum swings, it tends to go all the way.

Although "dissent aversion" is a controversial topic and commentators may overstate the frequency of its occurrence, it is a plausible partial explanation for the high level of unanimity in certain appellate courts, and lends further weight to the fact that the vote distribution of an appellate decision says little about the circumstances that generated such a result. See Sidney A. Shapiro and Richard Murphy, *Politicized Judicial Review in Administrative Law: Three Improbable Responses*.

D. All U.S. Judicial Proceedings Should Unanimously Comprise Of Impartial Jurists, And Jurists Who Appear To Be Impartial.

Once a particular appellate judge has been disqualified from a proceeding on the basis of bias, any decisions in which he or she took part should be vacated as a matter of law. As the arguments above demonstrate, attempting to determine the degree by which a disqualified judge tainted a proceeding is typically impossible. A biased judge may be just as likely to have engineered a unanimous result as a simple majority result. Appellate judges do not operate in silos, and the effect of a biased judge's participation cannot be reduced to a "no harm, no foul" determination based on vote distribution, as the minority's "deciding vote" rule would lead some to believe. *Aetna Life Ins. Co.*, 475 U.S. at 832. If a biased judge takes part in a proceeding, he or she is motivated to influence the outcome, and odds are he or she will not sit idly by.

The minority's "deciding vote" rule not only offends common sense, but also sends a signal to the public that judicial impartiality is not a guarantee. *Id.* at 832. This damages the credibility of the judicial system, and as *amici* know full well, credibility is a critical pillar on which the judicial system stands. In other contexts, this Court has indicated that the decision of an improperly constituted court is void.[4] This Court should likewise hold that in keeping with the due process protections set forth in the U.S. Constitution, decisions rendered by tribunals that do not

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[4] *See, e.g., Nguyen* v. *U.S.*, 539 U.S. 69, 71 (2003) (holding that a U.S. Court of Appeals panel consisting of two Article III judges and one Article IV judge was improperly constituted and thus its decisions must be vacated).

unanimously comprise impartial jurists, and those perceived to be impartial, are void as a matter of law.

CONCLUSION

For the foregoing reasons, *Amici* believe that Chief Justice Castille's participation in this case gave rise to an unconstitutional potential for bias and that his mere participation in the proceeding justifies vacating the decision of the Pennsylvania Supreme Court and remanding for the further proceedings.

Respectfully submitted,

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December 7, 2015

APPENDIX

APPENDIX

Amici Curiae

Wallace B. Jefferson

Wallace Jefferson served as Chief Justice of the Supreme Court of Texas from 2004 to 2013 and as Associate Justice of the Supreme Court of Texas from 2001 to 2004, making Texas judicial history as the first African-American to occupy either position. During his time on the bench, he served as President of the Conference of Chief Justices, which consists of the highest judicial officer of the 50 states, the District of Columbia, and the United States territories. In 2014, he was honored with the 2014 Texas Center for Legal Ethics Chief Justice Jack Pope Professionalism Award, which honors judges or attorneys that personify the highest standards of legal professionalism and integrity.

Judith S. Kaye

Judith Kaye served as Chief Judge of the State of New York and Chief Judge of the Court of Appeals for 15 years, until her retirement in 2008. She was appointed to the Court in 1983 by Governor Mario Cuomo, becoming the first woman ever to serve on New York's highest court. Judge Kaye left her mark on New York's courts as a creative reformer, streamlining New York's jury system and establishing specialized courts to focus on issues such as drug addiction, domestic violence and mental health issues. She is a recipient of the National Center for State Courts' William H. Rehnquist Award for Judicial Excellence.[5]

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[5] With sadness, we report that Judge Kaye passed away on January 7, 2016.

Timothy K. Lewis

Timothy Lewis served as Judge of the United States Court of Appeals for the Third Circuit from 1992 to 1999 and Judge of the United States District Court for the Western District of Pennsylvania from 1991 to 1992. He was recognized as one of the "Lawdragon 500 Leading Judges in America" and is an Honorary Fellow of the American Academy of Appellate Lawyers.

Michael W. McConnell

Michael McConnell served as Judge of the United State Court of Appeals for the Tenth Circuit from 2002 to 2009, Member of President Ronald Reagan's and President George H.W Bush's Intelligence Oversight Board from 1988 to 1990, Assistant to the Solicitor General of the United States from 1983 to 1985, and Assistant General Counsel of the Office of Management and Budget from 1981 to 1983. He has taught constitutional law at various universities and is the author of the legal casebooks The Constitution of the United States and Religion and the Constitution. He has argued 15 cases before the United States Supreme Court and has been recognized in The Legal 500 U.S. for his United States Supreme Court and appellate practices.

Kenneth W. Starr

Kenneth Starr served as Solicitor General of the United States from 1989 to 1993 and Judge of the United States Court of Appeals for the District of Columbia Circuit from 1983 to 1989. He has argued 36 cases before the United States Supreme Court, including 25 cases during his service as Solicitor General. He also served as an Independent Prosecutor in five investigations and as a law clerk to Chief Justice Warren E. Burger of the United State Supreme Court from 1975 to 1977.

Deanell Reece Tacha

Deanell Tacha served for 25 years on the United States Court of Appeals for the Tenth Circuit. Appointed by President Reagan in 1986, she also served as Chief Judge of the Circuit from 2001-2007 and retired in 2011. Prior to her service on the bench, Judge Tacha was a White House Fellow (1971-972), directed the Douglas County (Kansas) Legal Aid Clinic from 1974 to 1977 and was a professor and associate dean at the University of Kansas School of Law.

William H. Webster

William Webster served as Director of the Central Intelligence Agency from 1987 to 1991, Director of the Federal Bureau of Investigation from 1978 to 1987, Judge of the United States Court of Appeals for the Eight Circuit from 1973 to 1978, and Judge of the United States District Court for the Eastern District of Missouri. During his service on the bench, he was Chairman of the Judiciary Conference Advisory Committee on the Criminal Rules and was a member of the Ad Hoc Committee on Habeas Corpus and the Committee of Court Administration. He has received numerous honors for his service and contributions to the law, including the Presidential Medal of Freedom, the National Security Medal, the American Bar Association Medal, the American Judicature Society's Justice Award, and the American Law Institute's Henry J. Friendly Medal for outstanding contributions to the law.

Michael A. Wolff

Michael Wolff served as Justice of the Supreme Court of Missouri from 1998 to 2011 and served as Chief Justice for the term starting on July 1, 2005 and ending on June 30, 2007. During his time on the bench, he served as Chair of the Missouri Sentencing Advisory Commission, received the Missouri Bar's Theodore McMillian Judicial Excellence Award, and was named "Lawyer of the Year" by Missouri Lawyers' Weekly.